

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ARENA IP, LLC,

Plaintiff,

v.

BOINGO WIRELESS, INC.,

Defendant

Civil Action No. 4:23-cv-00085-SDJ

JOINT CASE MANAGEMENT CONFERENCE REPORT

Arena IP, LLC (“Arena”) and Boingo Wireless, Inc. (“Boingo”) hereby provide the following Joint Case Management Conference Report in accordance with the Court’s March 7, 2023 Order Governing Proceedings (ECF No. 11).

1. Suggested modifications of the proposed deadlines for the scheduling order.

The parties propose the following agreed deadlines, with modifications to the proposed dates set forth in Appendix B to ECF No. 11 highlighted in yellow.

Deadline	Item
05/29/2023 10 days after mgmt. conf.	P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
06/22/2023 5 weeks after mgmt. conf.	Join additional parties. P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To the extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages.

07/03/2023 No later than 45 days after mgmt. conf.	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112 (P.R. 4-1).
07/06/2023 7 Weeks after mgmt. conf.	Privilege logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
07/24/2023 No later than 65 days after mgmt. conf.	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same. (P.R. 4-2).
08/17/2023 13 weeks after mgmt. conf.	Parties' Final Amended Pleadings. (A motion for leave is required).
08/21/2023 No later than 95 days after mgmt. conf.	Joint Claim Construction and Prehearing Statement to be filed. (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
09/07/2023 16 weeks after mgmt. conf.	Respond to Amended Pleadings.
Week of 09/18/2023	Claim construction pre-hearing conference.
09/20/2023 No later than 125 days after mgmt. conf.	Completion date for discovery on claim construction. (P.R. 4-4).
10/05/2023 No later than 140 days after mgmt. conf.	Opening claim construction brief. (P.R. 4-5(a)).
10/19/2023 No later than 2 weeks after claim construction brief	Responsive claim construction brief. (P.R. 4-5(b)).
10-26/2023 No later than 7 days after response	Reply claim construction brief. (P.R. 4-5(c)).
10/02/2023 4 weeks before claim construction hearing	Submit technology synopsis/tutorial (both hard copy and disk).
10/20/2023 at least 10 days before claim construction hearing	Parties to file joint claim construction and chart. (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
10/30/2023 Date of claim construction hearing	Proposed Claim Construction hearing Monday, October 30, 2023, at 10:00 a.m. at the United States Courthouse, 7940 Preston Road Plano, Texas 75024
12/04/2023 5 weeks after claim	Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are

construction hearing	relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this Court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information which may be relevant to a claim or defense of any party at trial.
12/11/2023 6 weeks after claim construction hearing	Parties shall notify the Court of the name, address, and telephone number of the agreed-upon mediator, or request that the Court select a mediator, if they are unable to agree on one.
01/22/2024 12 weeks after claim construction hearing	Parties with burden of proof to designate Expert Witnesses other than claims construction experts and provide their witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B). Comply with P.R. 3-7 (Designation of Willfulness Opinions).
02/12/2024 15 Weeks after claim construction hearing	Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B). NOTE: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.
01/22/2024 12 weeks after claim construction hearing	Mediation deadline.
02/26/2024 17 weeks after claim construction hearing	Discovery deadline. All discovery must be served in time to be completed by this deadline.
03/18/2024 20 weeks after claim construction hearing (and no later than 110 days prior to the filing of the Joint Final PTO)	File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7. Responses to motions shall be due in accordance with Local Rule CV-7(e).
06/10/2024 5 weeks before final pretrial conference	Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order, <i>see</i> www.txed.uscourts.gov , and Proposed Jury Instructions and Verdict For (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).

07/12/2024 31 days before final pretrial conference	Motions in limine due. File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the Court. At this date, all that is required to be submitted to the Court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.
07/15/2024 4 weeks before final pretrial conference	Video Deposition Designation Due. Each Party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.
07/29/2024 2 weeks before final pretrial conference	Response to motions in limine due. File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses.) If numerous objections are filed, the Court may set a hearing prior to docket call. File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law). File Proposed Voir Dire Questions.
August 12, 2024	Final Pretrial Conference at 1:30 p.m. at the United States Courthouse located at 7940 Preston Road, Plano, Texas 75024.
To be determined	10:00 a.m. Jury selection and Trial at the United States Courthouse located at 7940 Preston Road, Plano, Texas 75024.

2. Mediation.

The parties believe mediation may be appropriate but have not yet been able to agree upon a mediator. The parties will update the Court on this matter at the settlement conference.

3. Changes to the limitations on discovery.

The parties request to be allowed 50 deposition hours per side rather than 40, but otherwise do not currently believe changes to the limitations set forth in the Federal Rules and Section J of the Court's March 7, 2023 order are required.

4. The identity of persons expected to be deposed.

At this time Plaintiff anticipates deposing a corporate representative of Defendant under FRCP 30(b)(6) and others as may be determined through discovery.

At this time, Defendant identifies the inventors of the patent-in-suit, a corporate Fed. R. Civ. P. 30(b)(6) representative of Plaintiff, and potential prior art witnesses as individuals it is likely to seek to depose.

5. Issues relating to disclosure of information.

The parties have not identified any issues relating to disclosure of information and do not anticipate difficulty meeting the Court's deadlines.

6. Issues relating to preservation.

The parties are not presently aware of any issues relating to preservation of discoverable information.

7. The need for additional Court orders.

The parties do not believe any additional orders relating to scheduling or discovery are needed at this time.

8. Estimated trial time.

The parties expect trial in this matter to require five trial days.

9. Names of attorneys appearing at the management conference.

For Plaintiff: William Ramey, Jeffrey Kubiak, Kyril Talanov, or Jacob Henry all of Ramey, LLP.

For Defendant: Eugene Novikov, Morrison Foerster LLP

Dated: April 20, 2023

Respectfully submitted,

Ramey LLP

/s/ William P. Ramey, III

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Dated: April 20, 2023

Respectfully submitted,

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Attorneys for Defendant Boingo Wireless, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above and foregoing document has been served on April 20, 2023, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ William P. Ramey, III
William P. Ramey, III